

1 Michael A. Brodsky
Law Offices of Michael A. Brodsky
2 201 Esplanade, Upper Suite
3 Capitola, CA 95010
Telephone: (831) 469-3514
4 Facsimile: (831) 471-9705
Email: michael@brodskylaw.net
5 SBN 219073

6 Attorney for Protestants Save the California Delta Alliance, et al.

7 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9 **IN RE CALIFORNIA WATERFIX**
10 **CALIFORNIA DEPARTMENT OF**
11 **WATER RESOURCES AND U.S.**
12 **BUREAU OF RECLAMATION**
13 **PETITION FOR CHANGES IN**
14 **WATER RIGHTS, POINTS OF**
15 **DIVERSION/RE-DIVERSION**

PROTESTANT SAVE THE CALIFORNIA
DELTA ALLIANCE'S SUBMISSION OF
EVIDENCE PER DIRECTION OF HEARING
OFFICERS AND NOTICE OF
AVAILABILITY

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1 As per the direction of Hearing Officer Dudoc at the November 30, 2016, CWF hearing,
2 Protestant Save the California Delta Alliance hereby submits an updated exhibit list and moves that
3 all exhibits listed thereon be admitted into evidence. The updated exhibit list is attached hereto in
4 pdf format and has been uploaded to the FTP site in excel format. The parties are notified that the
5 exhibit list and exhibits listed thereon are available on Delta Alliance's FTP site.

6 Previous partial exhibit lists have been submitted piecemeal with the cross-examination of
7 various witnesses and presentation of Delta Alliance's case in chief.

8 1) Delta Alliance has listed, and uploaded to the FTP site, three new exhibits: SCDA-60-62
9 Errata. These are identical to previously submitted SCDA-60-62, except that the mislabeling of
10 these exhibits has been corrected by striking out the mismatched bates stamp number and inserting
11 the correct bates stamp number on each exhibit. For example, the exhibit identified on the Board's
12 website as SCDA-60 currently bears a stamp on each page that says SCDA-57. This mislabeling has
13 been corrected by showing "~~SCDA-57~~" in strikeout and inserting "SCDA-60 Errata" on each page
14 of the exhibit.

15 2) Exhibit SCDA-63 has been added to the exhibit list and uploaded to the FTP site. It is the
16 May 16, 2016, status report letter from DWR to SWRCB. It appears on the Board's website. This
17 document was referred to, quoted, and addressed by the witness on Delta Alliance's cross-
18 examination of Jennifer Pierre on July 29, 2016.¹

19 2) Exhibit SCDA-64 has been added to the exhibit list and uploaded to the FTP site. SCDA-
20 64 is the July 19, 2016, Declaration of Michael A. Brodsky that appears on the Board's website.
21 This document and its attachments were referred to, quoted, and addressed by the witness on Delta
22 Alliance's cross-examination of Jennifer Pierre on July 29, 2016.

23 Exhibit Antioch-216 has been added to the exhibit index. This document was referred to,
24 quoted, and addressed by the witness on Delta Alliance's cross-examination of Maureen Sergent.

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¹ The Board's procedure of submitting exhibit indexes for cross-examination exhibits was not in place at the time Delta Alliance cross-examined Ms. Pierre.

1 3) Exhibit DWR-117 has been added to the exhibit index. This document was referred to,
2 quoted, and addressed by the witness on Delta Alliance's cross-examination of Jennifer Pierre on
3 July 29, 2016.

4 4) Exhibits SWRCB-21, 46, 49, and 104 have been added to the exhibit index. SWRCB-46
5 and 104 are relied on in the written testimony of Michael A. Brodsky. SWRCB-21 is Water Rights
6 Decision Number 1641 and has been used extensively by all parties (including Delta Alliance) on
7 cross-examination. SWRCB-49 is the Delta Independent Science Board's review of CWF
8 environmental documents. It was referred to, quoted, and addressed by the witness on Delta
9 Alliance's cross-examination of Jennifer Pierre.

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11 Respectfully submitted,

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13 Michael A. Brodsky

14 Attorney for Protestants Save the California Delta Alliance, et al.

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16 Dated: December 7, 2016
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Exhibit Identification Index

**California WaterFix Hearing
California Department of Water Resources and U.S. Bureau of Reclamation**

7-Dec-16

Save the California Delta Alliance submission of evidence

| Exhibit Identification Number (e.g. DWR-1) | Exhibit Description | Status of Evidence (for Hearing Team use Only) | | |
|---|--|---|----------|--------------------|
| | | Introduced | Accepted | By Official Notice |
| SCDA-1 | Aquatic Science Peer Review | | | |
| SCDA-2 | 8/19/2016 printout from Sacramento river flow | | | |
| SCDA-3 | handmade graph | | | |
| SCDA-4 | Sacramento River at Freeport flow | | | |
| SCDA-5 | handmade graph | | | |
| SCDA-6 | Panel Review by Jeffry Mount and Colleagues on BDCP | | | |
| SCDA-7 | Challenges Facing the Sacramento San Joaquin River Delta | | | |
| SCDA-8 | Delta Stewardship Council March 24, 2016, Agenda item 10 | | | |
| SCDA-9 | Delta Science Program flow materials | | | |
| SCDA-10 | March 19, 2004 letter from SWRCB to USBR and CCWD | | | |
| SCDA-11 | Excerpt from Discovery Bay newspaper re algae blooms | | | |
| SCDA12 | aerial photograph Discovery Bay | | | |
| SCDA13 | CDEC monitoring stations near Discovery Bay | | | |
| SCDA14 | reserved | | | |
| SCDA15 | reserved | | | |
| SCDA16 | reserved | | | |
| SCDA17 | D-1641 Compliance Stations | | | |
| SCDA18 | EC Graph | | | |
| scda_19 | Delta Stewardship Council Cases Decision | | | |
| scda_20 | Delta Stewardship Council Cases Minute Order | | | |
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| scda_22 | Testimony of Janet McCleery | | | |
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| scda_24 | Testimony of Michael Guzzardo | | | |
| scda_25 | Testimony of Frank Morgan | | | |
| scda_26 | August 26, 2014, USEPA Letter re BDCP | | | |
| scda_27 | DWR Your Questions Answered pamphlet re BDCP | | | |
| | reserved | | | |
| scda_29 | July 28, 2004, SWRCB Letter to USBR and DWR re water quality | | | |
| scda_30 | Stats. 2001, C.320 | | | |
| scda_31 | Climate Change and Water Security Cal. Energy Comm. Publication | | | |
| scda_32 | Qualifications Erik Ringelberg | | | |
| scda_33 | Testimony of Erik Ringelberg | | | |
| scda_34 | October 30, 2015, USEPA Letter re CWF | | | |
| scda_35 | Testimony of Tom Burke | | | |
| scda_36 | Charts accompanying Burke testimony | | | |
| scda_37 | Qualifications of Tom Burke | | | |
| scda_38 | Opening Statement | | | |
| | | | | |
| scda_40 | Delta Alliance October 30, 2015, BDCP comments | | | |
| scda_41 | Delta Alliance July, 29, 2014, BDCP comments | | | |
| scda_42 | DWR Bulletin 118 California Groundwater | | | |
| scda_43 | DWR California Water Plan 2005 Groundwater | | | |
| scda_44 | Designing successful groundbanking publication by NHI | | | |
| scda_45 | Central valley conjunctive management publication by NHI | | | |
| scda_46 | Groundwater and Surface Water in S. Cal. publication by AGWA | | | |
| scda_47 | Madera Irrigation District Water Supply Enhancement Project EIS | | | |
| scda_48 | Testimony of Michael Brodsky | | | |
| scda_49 | Statement of qualifications Michael Brodsky | | | |
| scda_50 | Powerpoint for use with opening statemnt and Burke and Brodsky testimony | | | |
| scda_51 | SCDA comments on BDCP MOU | | | |
| scda_52 | NHI Study of Maximal Groundwater Banking | | | |
| scda_53 | Madera Irrigation District Groundwater Banking ROD | | | |
| scda_54 | Sacrament River Flood Control Fact Sheet | | | |

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|----------------|---|--|--|--|
| scda_55 | Groundwater Management in California | | | |
| scda_56 | Burke chart Old River at Tracy Road | | | |
| scda_57 | Map of monitoring stations ECD, RSL, OBI, MDM | | | |
| scda_58 | Station OBI salinity graph from DWR CDEC | | | |
| scda_59 | Station ECD salinity graph from DWR CDEC | | | |
| sscda_60 | Testimony of Michael Brodsky--Revised 10/17/2016 | | | |
| scda_61 | Testimony of Frank Morgan--Revised 10/17/2016 | | | |
| scda_62 | Testimony of Janet McCleery--Revised 10/17/2016 | | | |
| scda_60 errata | Testimony of Michael Brodsky--Revised 10/17/2016 Errata | | | |
| scda_61errata | Testimony of Frank Morgan--Revised 10/17/2016 Errata | | | |
| scda_62 errata | Testimony of Janet McCleery--Revised 10/17/2016 Errata | | | |
| scda_63 | May 16, 2016 Status Report Letter from DWR to SWRCB | | | |
| scda_64 | July 19, 2016 Declaration of Michael Brodsky and Exhibits A (Chapter 3, January 2016 Draft BA); B (DWR March 11, 2016, Response to SWRCB requirement to address information requests); C (Simstead, et al., Aquatic Science Peer Review). | | | |
| Antioch_216 | CCD 2010 Historic Delta Salinity Conditions Report | | | |
| DWR_117 | CWF Draft Adaptive Management Framework | | | |
| SWRCB_21 | SWRCB Water Rights Decision No. 1641 | | | |
| SWRCB_46 | Delta Stewardship Council, The Delta Plan | | | |
| SWRCB_49 | Independent Science Board (ISB) Review of Environmental Documents for California WaterFix, September 30, 2015 | | | |
| SWRCB_104 | Biological Assessment of the California WaterFix, July 2016 (Published August 2, 2016) | | | |

STATEMENT OF SERVICE

**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

PROTESTANT SAVE THE CALIFORNIA DELTA ALLIANCE'S SUBMISSION OF EVIDENCE PER DIRECTION OF HEARING OFFICERS AND NOTICE OF AVAILABILITY

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated November 15, 2016, posted by the State Water Resources Control Board at
http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml

I certify that the foregoing is true and correct and that this document was executed on December 7, 2016 at Discovery Bay, California.

Signature: _____

Name: Michael A. Brodsky

Title: Attorney

Party/Affiliation:

Save the California Delta Alliance, et al.

Address:

Law Offices of Michael A. Brodsky
201 Esplanade, Upper Suite
Capitola, CA 95010